IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6793 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHETNABEN KALPAN DESAI

Versus

GUJARAT UNIVERSITY

Appearance:

MR RD DAVE for Petitioner

MR SN SHELAT for Respondent No. 1

NOTICE SERVED for Respondent No. 2

MS BR GAJJAR, AGP for Respondent No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 25/04/2000

ORAL JUDGEMENT

I have heard Mr. Ansuman Mahapatra, learned counsel for Mr.R.D.Dave, learned counsel appearing on behalf of petitioner, Mr. S.N.Shelat, learned Senior

Counsel appearing on behalf of Gujarat University -respondent no.1 and Ms. B.R.Gajjar, learned Assistant Government Pleader appearing on behalf of the State -Respondent No.3.

Learned Counsel for the petitioner submitted that the petitioner did not contact the learned counsel, and therefore, Learned Counsel is not in a position to argue the matter today. However, learned counsel submitted that since the matter relates to admission in P.G. Course of the year 1988-89, the petitioner may not be interested at present in pursuing the matter. However since the learned counsel has no instruction, liberty may be given to the petitioner that if she is still aggrieved by the action of the Gujarat University, she may be permitted to approach the court a fresh. Mr. Shelat, learned Counsel appearing on behalf of the Gujarat University submitted that as per decision of the Supreme Court, 25% of the Post-Graduate seats in Medical College are to be reserved for admission for all India candidates who are selected by competitive examination, and remaining 75 % of the seats are to be filled up in accordance with Rules of the University. In the case of Gujarat University, rules have been framed that 75% of the seats in P.G. course will be filled up by the students of Gujarat University and other Universities within the State of Gujarat, and remaining 25% of the seats will be filled up on All India examination basis through competitive examination. Mr. Shelat, learned counsel submitted that there is no illegality in the rules framed by the University. Since the petitioner passed her M.B.B.S. Examination from Osmania University, Hydrabad, Andhra Pradesh, she will have to come through all India competition. Since she has not been selected by any of the examinations, she has no right for admission in P.G.course in Gujarat University. The submission made by Mr. Shelat appears to be very reasonable, but since the petitioner's learned counsel has no instruction, I am of the view that the petition may be disposed of since it is pending for more than 12 years, granting liberty to the petitioner to approach the court a fresh in case she is still aggrieved for her non-admission in P.G. course.

Accordingly, the writ petition is disposed of with a liberty to the petitioner that she may approach the court a fresh, if she is still aggrieved for her non-admission in P.G. course. The order is passed after hearing Ms. B.R.Gajjar, learned AGP appearing on behalf of the respondent no.3 -State. Rule is discharged. I make no order as to costs.

Date: 25/4/2000. (P.K.SARKAR, J.)
ccshah